THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO.1046 OF 2007

Dated 11th December, 2007

Between:
A.Prasad Reddy … Appellant

And

The Hindustan Petroleum
Corporation Ltd and another … Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO.1046 OF 2007

J U D G M E N T (Per Hon'ble Sri Bilal Nazki, the Acting Chief Justice):

Heard learned counsel for the parties.

This writ appeal is filed against the order dated 27-11-2007 passed by the learned Single Judge in WPMP No.15393 of 2007 and WVMP No.2768 of 2007.

In the writ petition, the writ petitioner/appellant had challenged the order dated 04-06-2007, passed by the first respondent, terminating the dealership agreement dated
22-10-2004 entered into by the writ petitioner with the Hindustan Petroleum Corporation Ltd with regard to retail outlet. Learned Single Judge by order dated 27-11-2007 in WVMP No.2768 of 2007 vacated the order of status quo granted earlier. Learned counsel for the respondents submitted before the learned Single Judge that the dealership was contractual obligation and in the absence of any statutory contract, the writ petitioner could not move the jurisdiction of the Court under Article 226 of the Constitution of India. Learned Single Judge also perused the copy of the random inspection report, which was prepared with reference to the inspection made on 20-11-2006, and came to the conclusion that this was not the case in which stay could be granted. It was also found by the learned Single Judge that

from 20-11-2006 supplies had been stopped to the writ petitioner, therefore, if an order of stay is granted today, the supply would be restored to him almost after one year by an interim order of this Court. The questions which have been raised in the writ petition can be decided when the writ petition is decided finally. As such, we do not find any merit in this writ appeal, which is accordingly dismissed. No order as to costs.

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Bilal Nazki, ACJ

Dated 11th December, 2007

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Ramesh Ranganathan,J

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